

1 AARON D. FORD
2 Attorney General
3 Allison Herr (Bar No. 5383)
4 Senior Deputy Attorney General
5 State of Nevada
6 Office of the Attorney General
7 555 E. Washington Ave., #3900
8 Las Vegas, NV 89101
9 (702) 486-3799 (phone)
10 (702) 486-2377 (fax)
11 AHerr@ag.nv.gov

12 *Attorneys for Respondents*

13 **UNITED STATES DISTRICT COURT**
14 **DISTRICT OF NEVADA**

15 MICHAEL SMITH,

16 Petitioner,

17 vs.

18 RENEE BAKER, et al.,

19 Respondents.

Case No. 3:13-cv-00246-RCJ-WGC

**UNOPPOSED MOTION FOR EXTENSION
OF TIME TO REPLY TO OPPOSITION TO
SECOND MOTION TO DISMISS
(ECF NOS. 52, 74)**

(FIRST REQUEST)

20 Respondents move this Court for an enlargement of time of thirty (30) days from the current due
21 date of September 12, 2019, up to and including Monday, October 14, 2019, in which to file their reply
22 to Petitioner's response in opposition to Respondents' motion to dismiss. ECF Nos. 52, 74. This motion
23 is made pursuant to Fed. R. Civ. P. 6(b) and Rule 6-1 of the Local Rules of Practice and is based upon
24 the attached affidavit of counsel.

25 This is the first enlargement of time sought by Respondents and is brought in good faith and not
26 for the purpose of delay.

27 DATED September 12, 2019.

28 AARON D. FORD
Attorney General

By: /s/ Allison Herr
Allison Herr (Bar No. 5383)
Senior Deputy Attorney General

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I, Allison Herr, being first duly sworn under oath, depose and state as follows:

1. I am an attorney licensed to practice law in all courts within the State of Nevada, and am employed as a Senior Deputy Attorney General in the Office of the Nevada Attorney General. I have been assigned to represent Respondents in the case of *Michael Smith v. Renee Baker, et al.*, Case No. 3:13-cv-00246-RCJ-WGC, and as such, have personal knowledge of the matters contained herein.

2. A reply to Petitioner's opposition to the motion to dismiss (ECF No. 74) is currently due on Thursday, September 12, 2019.

3. The undersigned is new to the case and was not the drafter of the original motion to dismiss. ECF No. 52. Thus it is taking longer than it might otherwise have been expected to familiarize myself with the case in order to cogently respond to those issues raised in the opposition pleadings. I have been unable with due diligence to timely complete the response herein. Additional time is needed to draft responsive pleadings and have those pleadings reviewed and approved by my supervisor. I am seeking an extension of time to Monday, October 14, 2019.

4. This motion is made in good faith and not for the purpose of delay. I am making diligent efforts to file the record and responsive pleadings in this matter, however I must also balance this case with the demands of the other matters to which I am responsible. I am currently assigned to respond to 42 federal habeas cases and approximately 75 state habeas matters. In the past thirty days I have filed responses in the following matters: *Escobar v. State*, 77462-COA, Answering Brief; *Orr v. Williams*, 2:17-cv-908, Opposition; *Malone v. Williams*, 2:18-cv-764, Motion to Dismiss; *Davis v. Williams*, 2:15-cv-1574, Evidentiary Hearing; *Ochs v. Gentry*, 2:16-cv-982, Reply; *Gayler v. State*, NSC 77897, Answering Brief; *Marquez v. Williams*, 3:15-cv-492, Reply Brief.

5. In the next thirty days, I have 1 state appellate answering brief, and 1 reply brief, 1 opposition and 2 answers to federal petitions due. Consequently, I am requesting an extension of thirty days or until Monday, October 14, 2019 to file a reply brief in this matter.

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6. This is the first request for an extension in this case. I have conferred with counsel for the Petitioner, Amelia Bizzaro, and she does not oppose my request.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 12th day of September 2019.

/s/ Allison Herr
Allison Herr (Bar No. 5383)

IT IS SO ORDERED this 20th day of September, 2019.


ROBERT C. JONES